

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

REBECCA JEAN NICOLE LEAVITT,

Defendant.

CR 25–06–BU–DLC

ORDER

Before the Court is United States Magistrate Judge Kathleen L. DeSoto’s Findings & Recommendation Concerning Plea. (Doc. 38.) Because neither party objected, they are not entitled to *de novo* review. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Therefore, the Court reviews the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Defendant Rebecca Jean Nicole Leavitt is charged with one count of ten counts of wire fraud, in violation of 18 U.S.C. § 1343 (Counts 1–10) and three counts of aggravated identity theft, in violation of 18 U.S.C. §§ 1028(a)(1), 2 (Counts 11–13). (Doc. 1.) Judge DeSoto recommends that this Court accept

Leavitt's guilty plea as to Count 7, which charges wire fraud in violation of 18 U.S.C. § 1343, and Count 11, which charges aggravated identity theft in violation of 18 U.S.C. § 1028A(a)(1), 2, after Leavitt appeared before her pursuant to Federal Rule of Criminal Procedure 11. The Court finds no clear error in Judge DeSoto's Findings and Recommendation and adopts them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Judge DeSoto's Findings and Recommendation (Doc. 38) is ADOPTED in full.

IT IS FURTHER ORDERED that Leavitt's motion to change plea (Doc. 28) is GRANTED.

IT IS FURTHER ORDERED that Leavitt is adjudged guilty as charged in Counts 7 and 11 of the Indictment.

DATED this 31st day of July, 2025.



Dana L. Christensen, District Judge
United States District Court